IN RE: PETITION FOR ADMINISTRATIVE CONING VARIANCE W'S Glasshouse Garth, 275 ft. \* ZONING COMMISSIONER + - from c/l Greenhouse Circle \* OF BALTIMORE COUNTY 13 Glasshouse Garth 11th Election District \* Case No. 94-169-A

5th Councilmanic District

Steven W. Heiger, et ux

Potitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as an administrative variance filed by Steven W. Heiger and Peggy A. Heiger, his wife for that property known as 23 Glasshouse Garth in the Arbour Green subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1801.3.8, 301.1.A and 504 of the Baltimore County Zoning Regulations (B.C.A.R.) to permit a side yard setback of 1 ft., in lieu of the required minimum 8.25 ft., for an open projection, as more particularly described on Potitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a bublic hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Recorded No-127 (b)(1) of the Baltimore County Code. Based upon the informarker available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general would be of the public and should therefore be granted. In the opinion of oning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Device 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17 day of November, 1993 that the Petition for a Zoning Variance from Sections 1802.3.B, 301.1.A and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 ft., in lieu of the required minimum 8.25 ft., for an open projection, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

ZONING COMMISSIONER FOR BALTIMORE COUNTY

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

November 24, 1993

Mr. and Mrs. Steven W. Heiger 23 Glasshouse Garth Baltimore, Maryland 21236

> RE: Petition for Administrative Variance Case No. 94-169-A Property: 23 Glasshouse Garth

Dear Mr. Heiger:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, láwrence E. Schmidt Zoning Commissioner

LES:mmn

### Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 23 GLASSECHSE WARE

which is presently much

This Petition shall be filed with the Office of Zoning Administration & Development Management The undersigned legal owner(s) of the property situate in Battimore County and which is described in the description and piet effect and hereto and made a part hereof, heretry petition for a Variance from Sectionis. 11902.38, 301,1A, 504 (V.S.6.1). To allow a side yard setback of 1 foot for an open projection in limited the minimum required 8.25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, and called aider process. practical difficulty) HARDSHIP

Because the Residential Transition Area touches the rear or our tracks we are unable to build a deck on the rear of the house. We want to build a  $10^{10}$  %  $16^{10}$ deck on the side of the house with steps to grade, but a variance is required because we have only 11'0" to the property line that abuts County Open Spaces as snown on the attached drawing.

Property is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above Variance advertising, posting left, upon thing of this pertion, and former agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted purs vertilo the Zoning : and for Baltimore County

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9-gnature		Lither W Hugo		
Address			Peggy A. Heiger	
Cay -	ि को क	1 seeda	Constitue & De	1111
Altorney for Petitioner				
Cype or Print Name:			23 Glasshouse Garth	ethoria ta
Sugriations			Baltimore Mary	land 21.256
Address	PRS Proposition		Örville M. Jones	
Caty	State	750 ose	9533 Belair Road	256-6630

that the subject matter of this peritor is well wis poses there og i download as heaven't by the first og keep of two differences. It is a subject to the confidence of the first open of the confidence of the co والمهاج فالمعالج والمعادات 172 TEM 0

A Public Rearing having been requested and or found to be required. The ordered on the 2 or 2 or 1000 km of \$ 2500 km of \$ 2500 km. The control of the contr

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 23 Glassnouse Garth

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) HARDSHIP Because the Residential Transition Area touches the rear of our house we are unable to build a deck on the rear of the house. We want to build a 10'0" x 16'0" deck on the side of the house with steps to grade, but a variance is required because we only have 11'0" to the property line that

abuts County Open Spaces, as shown on the attached drawing.

That Affiant(s) acknowledge(s) that if a protest is may be required to provide additional information (signature)  Steven W. Heiger (type of print name)	s filed, Affiant(s) will b	e required to pay a reposting and advertising fee and    William   William     William   William     Peggy A. Heiger     Pryps or print name)
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:	
I HEREBY CERTIFY, this 11th day of of Maryland, in and for the County aforesaid, pers	November sonally appeared	, 1993_, before me, a Notary Public of the State
Steven W. Heiger and Peggy A	. Heiger	

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

Munhall, 1993

Skaler Lynn Horney

## Petition for Administrative Variance

Petition for Administrative Variance
94-169-A
to the Zoning Commissioner of Baltimore County

for the property located at 23 Glasshouse Garth which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3B, 301.1A, 504 (V.B.6.b) To allow a side yard setback of 1 foot for an open projection in lieu of the minimum required 8.25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			(/We do solemnly declare and affirm, under the legal owner(s) of the property which is the subje-	
Contract Purchaser/Lessae:			Legal Owner(s):	
			Steven W. Heiger	
Type or Print Name)		-	(Type or Print Name)	
Signature			Standard Willy	ligie
Address			Peggy A. Heiger	
			(Type of Print Number)  Value Q X	l _
City Attorney for Petitioner:	State	Zipcode	Bigniguja	
			23 Glasshouse Garth	
Type or Print Name)			Address	Phone No.
			Baltimore, Maryland	21236
Bignature		·····	City Name, Address and phone number of represent	State Zipcode alive to be contacted
		····	Orville M. JOnes	
Address	Phone No	).	Name	
			9533 Belair Road	256-6630
City	State	Zipcode	Address	Phone No

Zaning Commissioner of Saitimare County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at \_ 23 Glasshouse Garth Baltimore, Maryland 21236

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) Because the Residential Transition Area touches the rear of our house we are unable to build a deck on the rear of the house. We want to build a 10'0" x 16'0" deck on the side of the house with steps to grade, but a variance is required because we have only 11'0" to the property line that abuts County Open spaces as shown on the attached drawing

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Marguerite F. Strobel
My Commission Expires



SURVEYING & ENGINEERING 4932 HAZELWOOD AVENUE BALTIMORE, MD 21206 (410) 866 2001 FAX (410) 866-2003

ZONING DESCRIPTION FOR: # 23 Glasshouse Garth Election District 11 Councilmanic District 5

BEGINNING at a point on the west side of Glasshouse Garth which is 76 feet wide at a distance of 275 feet, more or less west of the centerline of the nearest improved intersecting street Greenhouse Circle which is 50 feet wide. Being Lot # 34, Block B, in the subdivision of Arbour Green as recorded in Baltimore County Plat Book 54, folio # 121, containing 2354 S.F. +.





circulation, throughout Baltimore County, and that the property be reposter

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

ITEM #: 172

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 911- 169-7

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Please Make Checks Payable To: Baltimore County

O. James Lighthizer Secretary Hal Kassoff Administrator

16-29-93

Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Ms. Charlotte Minton

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

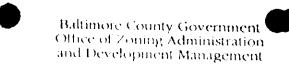
Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

CAVIO N. RAMSEY, ACTING CHIFF
John Contestabile, Chief

Re: Baltimore County
Item No.:  $\frac{1}{2}$  (TRF)

My telephone number is \_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



111 West Chesapeake Avenue

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER

For newspaper advertising:

Item No.: /72

Petitioner: STEVEN W. HEIGER + PEGGY A. HEIGER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional

information, please contact Jeffrey Long in the Office of Planning at 887-3480.

DATE: November 1, 1993

Tocation: 23 GlassHouse GAR-H BOLTU. NID 2/236

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Orulk M. Jones ADDRESS: 9533 Belair Rd Bacto MD. 21236 2566630

PHONE NUMBER: 256-6630

Printer on Recycled Paper

Arnold Jablon, Director

Development Management

FROM: Pat Keller, Deputy Director

ZAC.144/PZCNE/ZAC1

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

Item Nos. 144, 167, 168, 169, 175, 176 and 177.

Zoning Administration and

(Revised 04/09/93)

111 West Chesapeake Avenue Towson, MD 21204

OCTOBER 29, 1993

Steven W. and Peggy A. Heiger 23 Glasshouse Garth Baltimore, Maryland 21236

CASE NUMBER: 94-169-A ITEM NUMBER: LOCATION: 23 Glasshouse Garth

Dear Mr. & Mrs. Heiger:

Pursuant to review by Mr. Richards and/or his staff, the above matter has been incompletely rendered. Notwithstanding, it was processed through the system; enclosed you will find either a "Notice of Hearing" or "Notice of Case Number Assignment".

Be advised that the closing/hearing date, as indicated on the enclosed "Notice", will stand only if proper documentation is received within two weeks of the date of this letter. Alternatively, this case will be moved four to five weeks further out. To avoid such a delay, you must provide the following:

New petition forms:

- 1) The Notary Section of the submitted petition is incomplete, in that Steven's name was not notarized.
- 2) Petition forms (signed by all parties) should state "hardship" on the front and rear of the forms.

ARNOLD JABLON

AJ:ggs

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

-November 12, 1993

Mr. and Mrs. Steven W. Heiger 23 Glasshouse Garth Baltimore, Maryland 21236

111 West Chesapeake Avenue

Towson, MD 21204

RE: Case No. 94-169-A. Item No. 172 Petitioner: Steven W. Heiger, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Heiger:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 21, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

> Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

OCTOBER 39, 1993

I West Chesapeake Avenue

-wson, MD -2120 i -

MATTER OF CASE NUMBER ASSESSMENT

TO: Stoven W. Heiger and Peggy A. Heiger 23 Glasshouse Garth Baltimore, Maryland 21/36

Re: CASE NUMBER: 94-169-A (Item 172) W/S of Glasshouse Garth, 275'\*/- from c/l of Greenhouse Circle. 11th Election District - 5th Councilmanic

Please he advised that your Petition for Administrative Loning Variance has been assigned the above case. number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a retrester regarding the administrative process.

Baltimore County Government

Office of Zoning Administration

and Development Management

(410) 887 3353

1) Your property will be posted on or before Movember 7, 1983. The closing date (Movember 22, 1984) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deep the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be supported and notice of the heating will appear in a Baltimore county. newspaper. Charges related to the rejecting and newspaper advertising are payable by the petitional(s)

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE, THE FILE MUST GO THROUGH FINAL REVIEW, ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK UP, WHEN READY, THE ORDER

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